

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8 are currently pending in the application; no claim amendments are presented in this response. The specification and drawings have also been amended to correct typographical inaccuracies. No new matter is presented.

The Official Action presents the following issues: Claims 1, 2 and 4-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Yagawa et al. (U.S. Patent 6,751,598, hereinafter Yagawa); and Claims 3 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yagawa.

The outstanding Official Action asserts that Yagawa discloses all the limitations recited in Applicants' independent Claim 1. Applicants respectfully traverse this rejection.

Briefly recapitulating, the present invention provides a system and method that prevents data from being tampered with or copied in an unauthorized manner. In an exemplary embodiment, encrypted digital data is downloaded with management information including various parameters relating to the downloaded data. Among other parameters, the management information also includes usage rule parameters restricting the transfer and use of the digital data. The usage restrictions include limits on how many times the data can be copied, how many times the data can be transferred, etc.<sup>1</sup> These parameters form the basis for a calculated MAC value generated each time an "operation" is performed on the digital medium. Operations may include playing, recording, or transferring the digital data from one device to another (checked-in or checked-out).<sup>2</sup>

The MAC value is generated using the encryption key for the content device, as well as other possibly updatable calculation information which reflect the current status of the

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<sup>1</sup> Specification at pages 8-9.

<sup>2</sup> Specification at page 37.

digital data.<sup>3</sup> Each time an operation is initiated on the digital file, the MAC value, which is currently stored in memory is compared to a newly calculated MAC value which is generated in response to the initiation of the operation. If the result of the comparison shows that the two MAC values differ, then the content of the digital file has been altered or the contents have been tampered with.<sup>4</sup> If tampering is detected then the use of the digital data is restricted.

Claim 1 recites, *inter alia*, an information processing apparatus, comprising:

“...holding means for holding management information associated with said content data stored in said storage means, wherein said management information includes calculation information;

calculation means for performing a predetermined calculation on the basis of said encryption key and said calculation information, said calculation information including updatable information which is updated upon execution of a predetermined operation performed on said content data...

control means for comparing the results of the calculation performed by said calculation means with a previous calculation result stored in said memory means and controlling use of said content data stored in said storage means in accordance with the results of the comparison.”

Yagawa describes a digital content distribution system and associated methodology of protecting distributed content. Specifically, Yagawa describes that a service program (23) which resides along with a key (21) in a ROM area (2) of a recording medium (1), the key is cooperatively utilized with content located in a RAM area (3) of the recording medium. The ROM area information is processed by a storage medium certification unit (43), a license agreement judging unit (44), a digital content execution unit (45), a digital content updating unit (46) and a customizing unit (47) of a storage medium driving device (41).

The storage medium certification unit is a processing block which judges whether or not the key exists in the ROM area of the storage medium and has a correct code. The license agreement judging unit judges whether or not the present use environment matches with a

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<sup>3</sup> Specification at page 37, lines 15-21.

<sup>4</sup> Specification at Figure 6.

license agreement (22). The digital content execution unit fetches the digital content (31) from the RAM area (3) of the storage medium (1) and decodes the digital content.<sup>5</sup>

In operation, a command to execute the digital content (31) is sent from the input device (49) and the result of the execution is displayed on the display device (48). The digital content updating unit (46) makes a request for the latest addition (or version) of a digital content to the server machine (6) through the communication control unit (50) and the network (7) in accordance with the command from the input device (49) and stores the acquired digital content (31) into the RAM area (3). The customizing unit (47) is a processing block which performs the input of the data into the user profile code field (32) of the RAM area (3) and the updating of data and user profile code field (32) in accordance with the command and data inputted from the input device (49).

Claim 1 recites that management information held in association with content data includes calculation information, and that the calculation information is updated upon the execution of a predetermined operation performed on the content data.

Yagawa describes information other than content is stored in association with the content data including a decryption key (21), a license agreement (22), a service program (23), and a user profile code (32). However, Yagawa fails to teach or suggest that any of this associated information is updated based upon the execution of a predetermined operation on the content data, as recited in Claim 1.

While Yagawa describes that updating of the digital content is possible based on a user request, such updating is not related to any operation with respect to the content.<sup>6</sup> Further, Yagawa describes that each time a process is performed the present date may be acquired from information processor (40) through an operating system to determine whether or not the present date is included in the license agreement (22) or term of validity. However

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<sup>5</sup> Yagawa at column 6 lines 30-42.

<sup>6</sup> Yagawa at column 10, line 55 through column 11, line 37.

no calculation information or information stored as a portion of the management information is updated by this process. Therefore, Yagawa fails to teach or suggest that the management information includes calculation information which is updated upon the execution of a predetermined operation performed on the content data, as recited in Claim 1.

As a further distinction, Claim 1 recites a calculation means for performing a predetermined calculation on the basis of an encryption key and a calculation information. Yagawa fails to describe that an encryption key is used in any calculation with any of the parameters included in the management information. Specifically, Yagawa describes that a storage medium certification unit (43) fetches the key (21) from the storage location (A) and discriminates the key through the comparison with the key attached to digital content (31) or embedded in the program (23).<sup>7</sup> Therefore, Yagawa describes that the key to be used is matched with the key included in the digital content and used to decrypt the digital content itself. However, at no point does Yagawa describe the encryption key and any parameters included in the management information are calculated in the calculation means to perform a predetermined calculation, as recited in Claim 1.

Accordingly, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 102(e) be withdrawn. For substantially the same reasons as given with respect to Claim 1, it is also submitted that Claims 4, 5 and 6 patentably define over Yagawa. As Claims 3 and 8 depend from Claims 1 and 7 respectively it is submitted that these claims also patentably define over Yagawa for at least the reasons cited above.

As discussed above, and with respect to the rejection under 35 U.S.C. § 103, Yagawa does not disclose all the elements of the pending claims. Therefore, the Official Action does not present a prima facie case of obviousness with regard to any of the pending claims.

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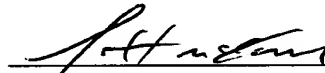
<sup>7</sup> Yagawa at column 8 lines 48-56.

**Should the above distinctions be found unpersuasive, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.**

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-8 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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